



Financial Crimes Enforcement Network
U.S. Department of the Treasury

Washington, D.C. 20220

November 1, 2019

T. McElwee
MuckRock News
411A Highland Ave
Somerville, MA 02144-2516

Case Numbers: FinCEN 19-217-F-PA
goFOIA 2019-09-130

Dear Mr. McElwee:

This letter responds to your Freedom of Information Act request/Privacy Act (FOIA/PA) request dated October 17, 2019, addressed to the Financial Crimes Enforcement Network (FinCEN) FOIA Office, seeking, “any and all FinCEN records regarding Frank Paul Cali, an ex-con with a Wikipedia listed date of birth of March 26, 1965. Cali also used the name "Francesco Cali" and "Franky Boy Cali." Cali had the US Bureau of Prisons Registration Number 75768-053. Please conduct a search of all systems of records for both main-file records and cross-reference records for all relevant names, agencies and companies. Particular systems of records of interest include (not exclusively):

- FinCEN .001 - FinCEN Investigations and Examinations System;
- FinCEN .002 - Suspicious Activity Report System;
- FinCEN .003 - Bank Secrecy Act Reports System”

The records are being withheld in full pursuant to the Freedom of Information Act, 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. Please refer to the Applicable FOIA Exemptions list at the end of this letter that identifies the authority for withholding the exempt material, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these FOIA exemptions in more detail.

Further, reports filed under the Bank Secrecy Act and records of such reports are exempt from disclosure under FOIA. 31 USC 5319; 5 USC 552(b)(3). Except to the extent necessary for the performance of official duties, FinCEN is prohibited from disclosing Bank Secrecy Act records. 31 USC 5318(g); 31 C.F.R. 1020.320(e)(2). Our rules state explicitly that “official duties” would not include a “response to a request for disclosure of non-public information.

Lastly, whether alive or passed away, Bank Secrecy Act records are likewise exempt from disclosure under the Privacy Act. (Our System of Records Notice, 79 Fed. Reg. 20969-20976, can be located here: <https://www.federalregister.gov/documents/2014/04/14/2014-08254/privacy-act-of-1974-as-amended-system-of-records-notice>.)

Fees

There are no fees associated with processing this request because the fees incurred do not exceed the minimum threshold necessary for charge.

Administrative Appeal

In the event that you wish to appeal this determination, an administrative appeal may be made in writing to FOIA FinCEN P.O. Box 39 Vienna, VA 22183. Please be sure to clearly mark "FOIA/PA Appeal" on both the letter and envelope. Your appeal **must be submitted within 90 days** from the date of this determination. It should contain your FOIA request number and, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope in which the appeal is mailed should be prominently marked "FOIA Appeal." Please note that the determination of the appeal will be administratively final.

Additionally, you have the right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5796.

If you have any questions pertaining to your request, please feel free to contact the FOIA Office at email FinCENFOIA@fincen.gov.

Sincerely,



Rosemary Law
FOIA Officer

Summary:
Number of Pages Withheld in Full: 1058

APPLICABLE EXEMPTIONS FREEDOM OF INFORMATION ACT AND/OR PRIVACY ACT

Freedom of Information Act (5 U.S.C. 552)

☐ (b)(1) ☐ (b)(2) ☒ (b)(3) ☐ (b)(4) ☐ (b)(5) ☒ (b)(6)

☐ (b)(7)(A) ☐ (b)(7)(B) ☒ (b)(7)(C) ☐ (b)(7)(D) ☒ (b)(7)(E) ☐ (b)(7)(F)

Enclosures

FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

Financial Crimes Enforcement Network (FinCEN) FOIA Branch applies FOIA exemptions to protect:

Exemptions

Exemption (b)(1): Records that contain information that is classified for national security purposes.

Exemption (b)(2): Records that are related solely to the internal personnel rules and practices of an agency.

Exemption (b)(3): Records specifically exempted from disclosure by code 31 U.S.C. § 5319, (Bank Secrecy Act) which includes disclosure of reports pertaining to monetary instruments transactions filed under subchapter II of chapter 53 of title 31 and records of those reports.

Exemption (b)(4): Records that contain trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Exemption (b)(5): Inter- or intra-agency records that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege:

- Deliberative process privilege – Under the deliberative process privilege, disclosure of these records would injure the quality of future agency decisions by discouraging the open and frank policy discussions between subordinates and superiors.
- Attorney work-product privilege – Records prepared by or at the direction of a FinCEN attorney.
- Attorney-client privilege – Records of communications between an attorney and his/her client relating to a matter for which the client has sought legal advice, as well as facts divulged by client to attorney and any opinions given by attorney based on these.

Exemption (b)(6): Records that contain identifying information that applies to a particular individual when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." This requires the balancing of the public's right to disclosure against the individual's right to privacy.

Exemption (b)(7)(A): Records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information...could reasonably be expected to interfere with law enforcement proceedings.

Exemption (b)(7)(C): Records containing law enforcement information when disclosure "could reasonably be expected to constitute an unwarranted invasion of personal privacy" based upon the traditional recognition of strong privacy interests ordinarily appropriated in law enforcement records.

Exemption (b)(7)(E): Records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

Exemption (b)(7)(D): Records or information compiled for law enforcement purposes [which] could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.

Exemption (b)(7)(F): Records containing law enforcement information about a person, in that disclosure of information about him or her could reasonably be expected to endanger his or her life or physical safety.